

### **REMARKS/ARGUMENTS**

The present application has been reviewed in light of the Office Action dated October 1, 2008. Claims 1-20 are currently pending, of which claims 1 and 13 have been amended herein, and claims 10-12 and 16 have previously been withdrawn. Applicant respectfully requests early and favorable reconsideration of this application.

Claims 1-9, 13-15 and 17-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,387,235 to Chuter (hereinafter "Chuter"). Applicant respectfully submits that independent claims 1 and 13, as amended, are allowable over Chuter because Chuter fails to disclose each and every element of independent claims 1 and 13. Accordingly the rejection of independent claims 1 and 13, under 35 U.S.C. § 102(b) is respectfully traversed.

Pursuant to 35 U.S.C. § 102, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. Applicant respectfully submits that Chuter fails to disclose each and every element recited in claims 1 and 13 as required by 35 U.S.C. § 102.

Independent claims 1 and 13, as amended, each recite a device for joining a first body vessel and a second body vessel including, *inter alia*, "a plurality of needle anchors, wherein each needle anchor of the plurality of needle anchors is attached to a distal end of a corresponding one of [a] plurality of sutures."

An embodiment of the present application is illustrated in FIG. 1A below. As described in paragraph [0043], apparatus 100 includes a plurality of needle anchors 80 and a plurality of sutures 82. A distal end of each suture 82 is affixed to a mid-point of a respective needle anchor

80. Each needle anchor 80 is independently coupled to a "corresponding one" of the plurality of sutures 82. This arrangement permits, for example, each suture 82 to be directed through the radial needle passages 64 and through a urethral stump as described in paragraph [0048].

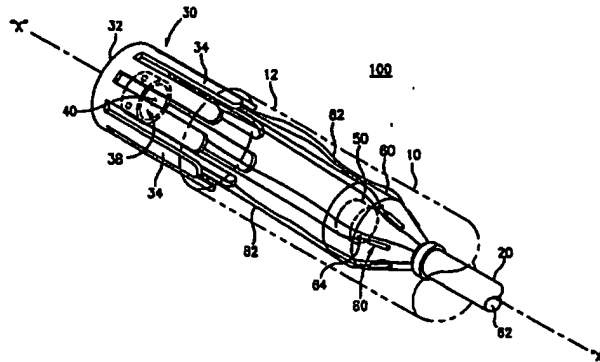


FIG. 1A

In contrast, Chuter discloses an apparatus for placing a transluminal graft including a main spring assembly (6, 301) having barbs (10, 205) attached thereto (see FIGS. 2 and 43).

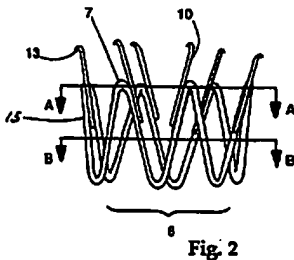


Fig. 2

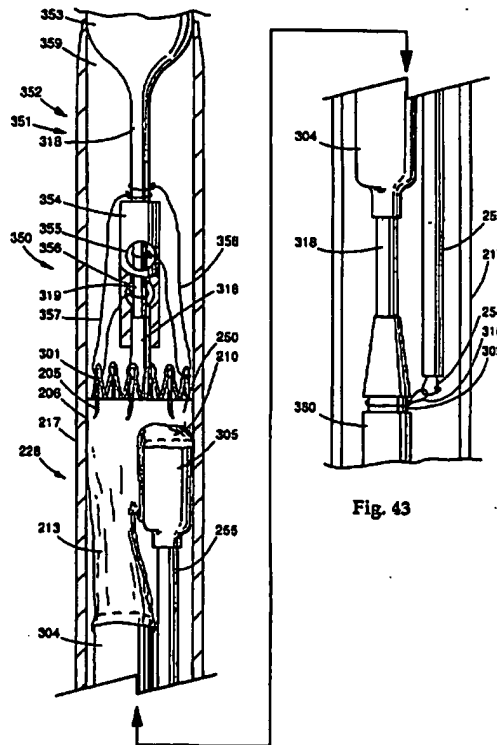


Fig. 43

The barbs (10, 205) are firmly and permanently attached to the spring (6, 301) by welding, brazing or a similar process (see col. 10, lines 24-28 and col. 17, lines 2-10). Therefore, the barbs (10, 205) disclosed by Chuter are integral to the main spring (6, 301).

Chuter also discloses a pair of attachment sutures (357, 358). These sutures (357, 358) are “looped through the opposite sides of the main spring assembly” (see col. 23, lines 61-62). Since both of the sutures (357, 358) are attached to the single main spring (6, 301), and since the main spring (6, 301) includes each of the barbs (10, 205), both of the sutures (357, 358) are attached to each one of the barbs (10, 205). Conversely, each of the barbs (10, 205) is attached to both of the sutures (357, 358), and not to a “corresponding one” of the sutures as recited in claims 1 and 13.

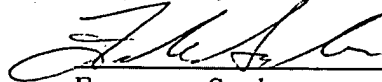
In light of the above, Applicant respectfully submits that Chuter fails to disclose each and every feature of claims 1 and 13 in that Chuter fails to disclose “a plurality of needle anchors, wherein each needle anchor of the plurality of needle anchors is attached to a distal end of a corresponding one of [a] plurality of sutures.” Accordingly, Applicant respectfully submits that independent claims 1 and 13 are patently distinguishable from Chuter, and therefore allowable over Chuter under 35 U.S.C. § 102.

As claims 2-9 depend, directly or indirectly, from claim 1 and contain all of the features of claim 1, Applicant respectfully submits that claims 2-9 are also allowable over Chuter under 35 U.S.C. § 102. As claims 14-15 and 17-20 depend, directly or indirectly, from claim 13 and contain all of the features of claim 13, Applicant respectfully submits that claims 14-15 and 17-20 are also allowable over Chuter under 35 U.S.C. § 102.

Should the Examiner believe that a telephone interview may facilitate prosecution of this application, or resolve any outstanding matters, the Examiner is sincerely invited to contact the Applicant's undersigned representative at the number indicated below.

In view of the foregoing amendments and remarks, reconsideration of the application and allowance of claims 1-9, 13-15 and 17-20 is earnestly solicited.

Respectfully submitted,



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